

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: WISCONSIN

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

State Monitoring: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

X Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

     Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

**Monitor.** (Authority to appoint a state monitor is found in Chapter 49, Wis. Stats., and 42 CFR 488.406 and 488.422.)

In addition to denying to new admissions, the state shall appoint a monitor to ensure the health, safety and/or welfare of residents and to bring the facility into compliance with the regulations whenever a facility has been found to provide substandard care over three consecutive standard surveys. The monitor shall oversee the correction of cited deficiencies in the facility as a safeguard against further harm to residents when harm or a situation with a potential for harm has occurred. State monitors shall also observe operation of the facility, assist the facility by advising it on how to comply with state regulations, and shall submit a written report periodically to the department on the operation of the facility.

In addition to situations in which the state shall appoint a monitor, the state may elect to appoint a monitor whenever a facility is cited for situations which immediately jeopardize resident health and safety or create a non-immediate jeopardy, or evidence prolonged noncompliance. Examples of such situations include, but are not limited to, the following:

- poor facility history, i.e., a pattern of poor quality of care or many complaints;
- state agency concern that the situation in the facility has the potential to worsen;
- immediate jeopardy exists and no temporary manager can be appointed;
- if the facility refuses to relinquish control to a temporary manager, a monitor may be imposed to oversee termination procedures and transfer of residents; or
- the facility seems unable or unwilling to take corrective action for cited substandard quality of care.

TN No. 95-016  
~~Supersedes~~  
TN No. 91-013

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The decision to use a monitor in these situations may be also be considered under any of the following conditions:

- The facility is operating without a license;
- The state has suspended, revoked or refused to renew the existing license of the facility;
- The state has initiated revocation or nonrenewal procedures and has determined that the lives, health, safety, or welfare of residents cannot be adequately assured pending a full hearing;
- The facility is closing or intends to close and has not made adequate arrangements for relocation at least 30 days prior to closure;
- The state believes that a monitor is necessary to protect the health, safety, or welfare of the residents; or
- The facility is in violation of state law or a rule promulgated thereunder.

Finally, the department may place a monitor in a facility when one or both of the following conditions exists:

1. The facility has corrected deficiencies and verification of continued substantial compliance is needed; or
2. The department has reason to question the substantial compliance of the facility with state law or a rule promulgated thereunder.

Monitors installed by the state shall be professionals appropriate to monitor cited deficiencies and shall:

- be an employee or contractor of the state;
- not be an employee or contractor of the monitored facility; and
- not have an immediate family member who is a resident of the facility.

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